

REMARKS

The April 18, 2006 Office Action regarding the above-identified application has been carefully considered. Amendments above, a concurrently filed Terminal Disclaimer and the remarks that follow are presented in a bona fide effort to respond and address all issues raised in that Action. The specification has been amended to indicate the current status of the parent application and to provide a new title. The claims have been amended to make certain terms or phrases more consistent and/or to correct grammar, only. The art issues are addressed by traversal below. For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

The Office Action included an objection to the specification and requested an update of the cross-reference to the parent of this application to show the current status of the parent application. By amendment above, Applicants have revised the specification's cross-reference to the parent of this application to indicate that the parent application has issued as US Patent No. 6,665,237.

The Office Action included a requirement for a more descriptive title was needed. The title has been amended above to be more descriptive. It should be noted, however, that the title is a title of the application, in general. As such, the more descriptive title does not "differentiate the invention from similar inventions in the patent literature" or recite "aspects of the invention," as suggested in the Office Action. The claims recite the inventive subject matter and various aspects of inventive subject matter. Withdrawal of the objection to the title is respectfully requested.

The Office Action included a rejection of claims 1-13, 17 and 18 for obviousness type double patenting over claims 1-3 of parent case Patent No. 6,665,237 in view of Japanese

document JP04251467 to Kato et al. (hereinafter Kato). Although Applicants do not concede that the present claims are obvious in the alleged manner, a Terminal Disclaimer is being filed with regard to the 6,665,237 Patent. The Disclaimer should obviate the double patenting rejection.

The Office Action also rejected claims 1-13, 17 and 18 under 35 U.S.C. §103 as unpatentable over prior art discussed in the application regarding Fig. 2, in view of the Kato Japanese document. This rejection is traversed.

Although the scope of the independent claims varies on a number of points, each does require that the claimed control apparatus includes first and second memories for program data and means for writing to the second memory. In each claim a first selection means selects output from the first and second memories, and a control means or circuit operates in accordance with the output selected from the first selection means. Data may be written in the second memory, when the control means or circuit is operating in accordance with program data from the first memory; and each independent claim recites a system controller for outputting program data to the writing means for the second memory, when the control means or circuit is operating in accordance with program data from the first memory. Each independent claim also recites a second selection means, for selectively outputting an address for the second memory from one of the control means or circuit and the system controller. As recited, the second selection means selects the second address form the system controller, when the control means or circuit is operating in accordance with the program data from the first memory.

The rejection acknowledges that the prior art discussed in the background of the present application with regard to Fig. 2 does not include the second memory for program data, and as a result, does not include writing means or the two selection means configured so as to meet the

requirements of the independent claims. It is respectfully submitted that, since the prior art from the background does not include the second memory, the control circuit and system controller of that art do not operate in the manner recited in the claims. Contrary to the rejection, the addition of Kato does not make up for these deficiencies in the prior art discussed in the background of the present application.

For example, like the prior art discussed in the background of the present application, the Kato document does not disclose a second memory for program data. The Kato disk controller includes a ROM 3 and a RAM 4. The RAM would be a memory to which data can be written and from which data can be stored, however, Kato does not teach use of that memory to store program data. The relevant portion of the Abstract only states that the:

... disk controller is equipped with ... read/write control circuit 6 and RAM 4, and a ROM 3 storing the operation order of the processing circuit system to control the operation of the main body 1 of the disk controller, and the plural processing circuit systems and ROM 3 are provided to exchange data signals and control signal between the host devices and the main body 1 of the disk controller.

Such a description does not teach storing program data in both the RAM and the ROM. It is believed that the RAM 4 of Kato stores transfer data. Hence, addition of RAM from Kato in combination with the ROM in the prior art device discussed in the background of the present application would not result in a control apparatus having first and second memories storing program data, as recited in Applicants' claims. Hence, the proposed combination of prior art and Kato would not meet the second memory requirement of any of the pending independent claims.

As another distinction, neither the prior art discussed in the background of the present application nor the Kato document disclose a system controller that functions in the manner recited in the independent claims. Although the prior art discussed in the background of the present application includes a system controller 3 (application Fig. 2), that controller does not

output either program data for writing to a second memory or a second address for the second memory, during operation of the control means or control circuit in accordance with program data from the first memory, as variously recited in Applicants' independent claims. Kato does not fairly suggest such functions of a system controller. Hence, the proposed combination of prior art and Kato would not meet the functional requirements for the system controller of any of the pending independent claims.

It is also submitted that neither the prior art discussed in the background of the present application nor the Kato document actually teaches provision of a second selection means of the type specified in the claims. This selection means outputs an address for the second memory, and for that purpose, this means selects an address from one of the control circuit or means and the system controller. The prior art discussed in the background of the present application does not provide anything that might correspond to this selection means, as acknowledged in the rejection. The connections to the memories 3 and 4 of Kato are not enough to provide such a second selection means. Moreover, stored operation data referred to in the abstract of Kato is different from the program data specified in the claims. Hence, the proposed combination of prior art and Kato also would not meet the claim requirements regarding the second selection means.

In view of the claim requirements not fairly suggested by the applied prior art and Kato, the independent claims should be patentable over the combination thereof proposed in the art rejection. Applicants therefore submit that the claims patentably distinguish over the applied art and the 103 rejection should be withdrawn.

Claims 1-13, 17 and 18 remain active in this application, all of which should be patentable. Applicants therefore submit that all of the claims are in condition for allowance.

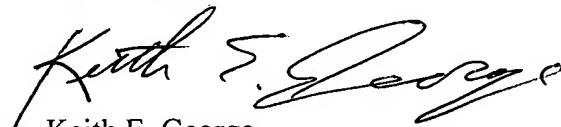
Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the April 18, 2006 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:apr
Facsimile: 202.756.8087
Date: May 18, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**